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EXAMINER

VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/540,756

Applicant(s)

MAHAN ET AL.

Examiner

Gregory J. Vaughn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 14-26, 33-40 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14-26, 33-40 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Action Background

1. This action is responsive to applicant's response, filed on 4/13/2006.
2. Applicant has not amended the claims in the response filed 4/13/2006.
Claims 9-13, 27-32 and 41 were previously canceled.
3. Claims 1-8, 14-26, 33-40 and 42 are pending in the case; claims 1, 14-17 and 42 are independent claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."

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5. Claims 1-3, 6-8, 14-19, 22-26, 33, 35 and 37-40, remain rejected under 35 U.S.C. 102(e) as being anticipated by Gill et al., US Patent 6,081,262, filed 12/4/1996, patented 6/27/2000 (hereinafter "Gill").
6. **Regarding independent claim 1**, Gill discloses a presentation building system. Gill recites: "*This invention pertains to a multi-media presentation generation system that uses a multi-media authoring tool*" (column 1, lines 6-7).

Gill discloses accessing a page with multimedia content. Gill recites: "*The multi-media presentation generation system comprises a menu driven multi-media presentation generation system MPG, executing on a processor P, which accesses data from any of a multitude of media sources S1-S6*" (column 5, lines 10-15). Gill discloses using a multimedia content application to access multimedia content. Gill recites: "*the viewer V translates the multi-media presentation data into the images for display on the user's display device*" (column 14, lines 31-33).

Gill discloses a user selecting input. Gill recites: "*the author simply selects object characteristics from a set of menus to control the layout, content and presentation of the document page that is created*" (column 3, lines 49-52).

Gill discloses automatically identifying multimedia content based upon the tags while the page is accessed by the multimedia content application. Gill recites: "*the multi-media data is stored and processed by the page based document layout system Q in a transparent manner, the data is identified by*

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tags which note the multi-media nature of the particular data object" (column 15, lines 49-53).

Gill discloses copying multimedia content into memory. Gill recites: *"the author defines a movie object MB into which is imported a movie, which is stored in memory, and obtained from one of the sources named above"* (column 10, lines 11-13). Gill discloses copying the multimedia page into memory in Figure 4 at reference sign 403 (shown as *"Gather Page Level Multi-Media Data"*).

7. **Regarding dependent claim 2**, Gill discloses copying the multimedia content having the tag from the multimedia content application while the content is in use. Gill recites: *"the multi-media data is stored and processed by the page based document layout system Q in a transparent manner, the data is identified by tags which note the multi-media nature of the particular data object"* (column 15, lines 49-53).
8. **Regarding dependent claim 3**, Gill discloses the use of an identifier for the multimedia content. Gill recites: *"The multi-media authoring tool assigns a unique identification to each object that has multi-media information and that is located in the multi-media presentation"* (column 4, lines 12-14).
9. **Regarding dependent claim 6**, Gill discloses associating textual notes with the multimedia content. Gill recites: *"The author must populate each of the individual frames with the selected video, graphical, and textual material"* (column 1, lines 34-36).

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10. **Regarding dependent claim 7**, Gill discloses the use of links. Gill recites:
"for multi-media content, with the hidden information which defines the multi-media content" (column 7, lines 28-30) and *"The author also defines a path PL ... The path PL represents a motion definition for a object having some content, which object is tied to the path"* (column 10, lines 21-26).
11. **Regarding dependent claim 8**, the claim contains substantially the same subject matter as claim 3, and is rejected using the same rationale.
12. **Regarding independent claim 14**, the claim is directed toward a computer-readable medium for the method of claim 1, and is rejected using the same rationale.
13. **Regarding independent claim 15**, the claim is directed toward a signal readable by a computer for the method of claim 1, and is rejected using the same rationale.
14. **Regarding independent claim 16**, the claim is directed toward an apparatus for the method of claim 1, and is rejected using the same rationale.
15. **Regarding independent claim 17**, the claim is directed toward an apparatus for the method of claim 1, and is rejected using the same rationale.
16. **Regarding dependent claim 18**, the claim is directed toward an apparatus for the method of claim 2 and is rejected using the same rationale.

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17. **Regarding dependent claim 19**, the claim is directed toward an apparatus for the method of claim 3 and is rejected using the same rationale.
18. **Regarding dependent claim 22**, the claim is directed toward an apparatus for the method of claim 6 and is rejected using the same rationale.
19. **Regarding dependent claim 23**, the claim is directed toward an apparatus for the method of claim 7 and is rejected using the same rationale.
20. **Regarding dependent claim 24**, the claim is directed toward an apparatus for the method of claim 8 and is rejected using the same rationale.
21. **Regarding dependent claim 25**, the claim is directed toward an apparatus for the method of claim 1 and is rejected using the same rationale.
22. **Regarding dependent claim 26**, the claim is directed toward an apparatus for the method of claim 1 and is rejected using the same rationale.
23. **Regarding dependent claim 33**, Gill discloses a concurrent presentation window for previews in Figure 2 at reference sign MB. Gill discloses displaying the multimedia content. Gill recites: *"The underlying page based document layout system is a menu based system which functions to partition document pages, as defined by the author, into a plurality of objects (also termed boxes), each of which is independently editable by the author"* (column 6, lines 23-27).

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24. **Regarding dependent claim 35**, the claim is directed toward an apparatus for the method of claim 33 and is rejected with the same rationale.
25. **Regarding dependent claim 37**, Gill anticipates the use of a browser as a multimedia content application accessing a web page. Gill recites: *"information likewise is obtained from a plurality of external sources including, but not limited to, data communication connections to broadcast media, such as Internet S4"* (column 6, lines 2-5). The Internet is well known in the art as being enabled by a browser to access web pages.
26. **Regarding dependent claim 38**, Gill discloses copying multimedia content of more than one type and using tags for the multimedia content. Gill recites: *"Since the multi-media data is stored and processed by the page based document layout system Q in a transparent manner, the data is identified by tags which note the multi-media nature of the particular data object"* (column 15, lines 49-53). Gill defines the multimedia types. Gill recites: *"It is well known in the presentation generation arena how to create multi-media presentations which contain textual, graphical, audio, and even video segments"* (column 1, lines 25-27).
27. **Regarding dependent claim 39**, Gill discloses repeating the method of claim 1 for a plurality of pages. Gill recites: *"This page based document layout system partitions document pages, as defined by the author, into a plurality of objects"* (column 3, lines 37-39).

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28. **Regarding dependent claim 40**, Gill discloses the use of an indication for the order of the multimedia content and the pages are accessed. Gill recites: *"each item is either in front of or behind other items. The "stacking order" is a term which refers to the front/back relationships among the various items of a page layout"* (column 7, lines 49-52). Gill further discloses the ordering of pages in Figure 1, where page numbering indicates the order of the pages (shown as *"Page number"* near the bottom of the figure).

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claim 42 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Gill.

31. **Regarding claim 42**, Gill discloses a web page accessed through a browser (see the rejection of claim 37). Gill discloses a presentation and preview windows (see the rejection of claim 33). Gill discloses automatically identifying multimedia content having tags subsequent to a user selection, and copying the content into memory (see the rejection of claim 1). Gill fails to explicitly describe the multimedia tags as HTML tags, however, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, for Gill to use HTML tags in order to provide a “*multi-media presentation generation system uses a multi-media authoring tool extension of a page based print document layout system to combine media objects of multiple diverse types into an integrated multi-media presentation*” (column 3, lines 11-14).

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32. Claims 4, 5, 20, 21, 34 and 36 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Gill in view of Fields et al. US Patent 6,128,655, filed 7/10/1998, patented 10/3/2000 (hereinafter "*Fields*").

33. **Regarding dependent claim 4**, the claim is directed toward using a uniform resource locator (URL) as an identifier. Gill discloses the use of an identifier for the multimedia content as described above. Gill fails to disclose the use of URLs as identifiers. Fields teaches that a URL can be used as an identifier. Fields recites: "*In the Internet paradigm, a network path to a server is identified by a so-called Uniform Resource Locator (URL)*" (column 1, lines 17-19).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to use URLs as identifiers to Internet as taught by Fields with the multimedia content authoring system of Gill in order to provide the "*reuse content form a variety of different content providers some of which may use radically different formats and other content*" (Fields, column 2, lines 44-46).

34. **Regarding dependent claim 5**, the claim is directed toward using a uniform resource locator (URL) as an identifier while said multimedia content is in use by an application. The limitations of this claim contain substantially the same subject matter as claims 1 and 4 combined, and are rejected with the same rationale.

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35. **Regarding dependent claim 20**, the claim is directed toward an apparatus for the method of claim 4, and is rejected using the same rationale.
36. **Regarding dependent claim 21**, the claim is directed toward an apparatus for the method of claim 5, and is rejected using the same rationale.
37. **Regarding dependent claim 34**, Gill discloses the use of an identifier as described above. Gill fails to disclose displaying the identifier. Fields teaches displaying identifier information. Fields discloses in Figure 3A, the media identifier (shown as "<http://www.ibm.com/Services/pressrel/pr.890622721.html>") displayed with the media information (shown at reference sign 203).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to combine the multimedia authoring system of Gill with the displayed identifiers as taught by Fields in order to allow presentation viewers the capability to view media material source identifiers.

38. **Regarding dependent claim 36**, the claim is directed toward an apparatus for the method of claim 34, and is rejected using the same rationale.

Response to Arguments

39. Applicant's arguments with respect to claims 1-8, 14-26, 33-40 and 42, filed 4/13/2006, have been fully considered but they are not persuasive.
40. **Regarding the rejection of claim 1**, applicant argues that: "*the examiner is misinterpreting Gill and the disclosure thereof*" (page 11, last paragraph of the response filed 4/13/2006). Applicant is directed to the rejection of claim 1 as stated above. Gill is clearly directed toward generating multimedia presentations (see the title) and Gill recites: "*It is well known in the presentation generation arena how to create multi-media presentations which contain textual, graphical, audio and even video segments*" (column 1, lines 25-27).
41. **Also regarding the rejection of claim 1**, applicant argues that: "*The present invention is concerned with gathering content for the presentation rather than generating a layout of the presentation*" (page 12, first paragraph of the response filed 4/13/2006). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*gathering content for the presentation*") are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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42. **Also regarding the rejection of claim 1**, applicant argues that: "Gill fails to disclose, inter alia, "subsequent to receiving user selection ... and copying said multimedia ... as recited in claim 1" (page 12, first paragraph of the response filed 4/13/2006). Applicant is directed to the rejection of claim 1 as stated above. Gill discloses automatically identifying multimedia content based upon the tags while the page is accessed by the multimedia content application. Gill recites: "*the multi-media data is stored and processed by the page based document layout system Q in a transparent manner, the data is identified by tags which note the multi-media nature of the particular data object*" (column 15, lines 49-53). Gill discloses copying multimedia content into memory. Gill recites: "*the author defines a movie object MB into which is imported a movie, which is stored in memory, and obtained from one of the sources named above*" (column 10, lines 11-13). Gill discloses copying the multimedia page into memory in Figure 4 at reference sign 403 (shown as "Gather Page Level Multi-Media Data").

43. **Also regarding the rejection of claim 1**, applicant argues that: "Gill does not disclose how its system identifies and copies the information into, for example, a presentation folder" and "Gill does not disclose identifying and/or copying information from an external source such as the Internet" (page 12, second paragraph of the response filed 4/13/2006). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a presentation folder" and "external source") are not recited in the rejected

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claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

44. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

45. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gregory J. Vaughn
June 15, 2006



STEPHEN HONG
SUPERVISORY PATENT EXAMINER